



Administrative Regulation

Hours of Work & Overtime

Policy #	03-04.04
Effective Date:	July 13, 2020
Revision Date:	N/A
Owner:	Human Resources

Purpose:

To establish guidelines for hours worked in a normal work week and the compensation of overtime hours.

Scope:

This regulation applies to all employees.

Policy:

The official work week for the payroll cycle begins at midnight on Sunday and ends at 11:59 p.m. Saturday. City offices will normally be open from 8:00 a.m. until 5:00 p.m., Monday through Friday, but each department determines the work schedules and hours for employees as necessary for its operation. Employees are expected to work their regularly scheduled hours or supplement non-worked time with the use of accrued leave. Employees must accurately record all worked time using the record keeping system (i.e. SPR Timecards or CrewSense) in place for the employee's department.

Non-exempt employees as defined by the Fair Labor Standards Act (FLSA) are eligible for overtime or compensatory time off when they have worked in excess 40 hours in any given work-week. It is the City's policy that overtime shall not be worked without prior authorization having been granted by the employee's supervisor.

Procedure:

1. Hours of Work

1.1. Supervisors or managers will inform employees of their work schedule, including any overtime hours that the employee may be required to work beyond the customary 40-hour workweek.

1.1.1. Employees must work overtime as reasonably required by their supervisor.

1.1.2. Supervisor approval is needed for an employee to arrive early or leave prior to the end of their work day or scheduled shift.

- 1.2. Non-exempt employees should not perform work outside of their normal work schedule such as, checking and responding to work related email, checking voice mail, or engaging in any other City business.
- 1.3. Exempt employees are expected to adhere to the department's standard workweek schedule unless an alternate work schedule has been approved in writing. Exempt employees are also required to work any hours necessary to perform the duties of the job. Exempt employees generally do not receive overtime, compensatory time, or additional pay for hours worked or traveled outside their regular schedule.

2. Overtime

- 2.1. Non-exempt employees who work in excess of forty (40) hours during the work week must be paid at one and one half (1½) times their regular rate of pay for all hours in excess of forty (40), in compliance with federal and state laws.
 - 2.1.1. Paid absences during the workweek are considered time worked.
- 2.2. Supervisors and managers should minimize overtime. A supervisor or manager may adjust an employee's work schedule temporarily within a workweek or allow an employee to flex their hours within the same work week as a way to avoid or limit overtime expense.
 - 2.2.1. Employees are not permitted to work overtime hours without the prior approval of their supervisor or manager. Approval to work overtime should be confirmed in writing or by email.

3. Compensatory Time for Non-exempt Employees

- 3.1. Compensation for overtime hours can be in the form of pay or compensatory time off earned at time and one-half hour for every hour worked in excess of 40 hours in a workweek.
- 3.2. Compensatory time off shall not be allowed to accrue beyond eighty hours (80) unless otherwise specified by an applicable bargaining agreement. Shift Police Sergeants may accrue a maximum of one hundred and eight (108) hours of compensatory time off.
- 3.3. The City will retain the right to schedule compensatory time off in accordance with the FLSA. The use of accumulated comp time shall be permitted within a reasonable period after a request of use has been made unless the request will unduly disrupt the operations of the City.
- 3.4. An employee who transfers/promotes from a non-exempt position to an exempt position will have any unused accrued compensatory time paid out.

4. FLSA Exempt Status Employee

4.1. FLSA Exempt employees must code forty (40) hours of time between “hours worked” and “leave accruals” for each pay week on their time card. Compensation for hours worked beyond 40 in a workweek is not authorized for employees who qualify for an exemption as defined by the Fair Labor Standards Act (FLSA), unless otherwise covered under a collective bargaining agreement.

4.1.1. All Absences must be pre-approved according to City or department policy and procedures.

4.1.2. Exempt employees are expected to spend whatever hours are necessary over and above the basic workweek in the completion of their work assignments.

4.1.3. Exempt employees who work above 40 hours in a work week should code hours in excess of forty (40) to earning code E40 (>40 hrs worked). This is not a paid time code or accrued leave bank.

4.2. FLSA Exempt employees, who routinely work in excess of forty (40) hours in a work week, may request to use Exempt Time Off (ETO) to take paid time away that won't be subtracted from vacation or holiday hours. ETO is not to be seen as an hour for hour trade for over 40 hours worked (E40). ETO time must be approved in advance by a supervisor and may not be used:

4.2.1. For blocks of time in excess of more than 3 hours; or

4.2.2. When the intent is to replace or subsidize some or all prescheduled vacation and/or unscheduled sick time/tardiness; or

4.2.3. Where the employee arrives late or leaves early due to inclement weather and is unable to make up the time by telecommuting or adjusting their work hours; or

4.2.4. Where, on an ongoing basis, the employee is not working their regularly scheduled (standard) work hours; or

4.2.5. When the employee is working a reduced hour schedule or on an intermittent leave schedule.

5. Police Command Staff

5.1. *Police Sergeants*

5.1.1. *Overtime in excess of regularly scheduled shift.* Employees shall be compensated at the rate of one-and-one-half (1 ½) times the respective hourly rate for time worked outside of the employee's scheduled shift, excluding time spent prepping briefing materials and shift transfer work with the on-duty sergeant. Regularly scheduled shifts include time taken for holidays, vacation, sick, and compensatory time.

5.1.2. *Pay Smoothing.* Shift employees are regularly scheduled to work bi-weekly periods of 61.25 total hours, 73.5 total hours, 85.75 total hours, and 98 total hours during each 8 week cycle. Whenever the employee is regularly scheduled to work 61.25 hours in a single bi-weekly pay period, the employee may elect to request the use of accrued leave banks (excluding sick) for up to 12.25 hours. If the employee does not have a sufficient balance of holiday or compensatory leave hours to use in this way, or if the employee does not elect to apply them, the employee will only be paid for actual hours worked in that pay period.

5.2. *Police Lieutenant:*

5.2.1. Operational Overtime. Employees shall be compensated at the rate of one-and-one half (1 ½) times the respective hourly rate for hours outside their regularly scheduled shift when a command officer is required to be present at a major event. Overtime eligibility requires approval by the Chief.

Definitions

1. “*Exempt*” means that an employee is not legally entitled to overtime pay, no matter how many hours that they work. The federal Fair Labor Standards Act (FLSA) sets the laws for which workers qualify for extra hourly pay once they have worked 40 hours during a workweek.
2. “*Fair Labor Standards Act*” is a United States labor law that creates the right to a minimum wage, and “time-and-a-half” overtime pay when people work over forty hours a week.
3. “*Non-Exempt*” are those employees who are entitled to earn the federal minimum wage for every hour they work. Such workers likewise qualify for overtime pay, which is calculated as one-and-a-half times their regularly rate of pay, for every hour they work, above and beyond a standard 40-hour workweek. These regulations are created by the federal Fair Labor Standards Act (FLSA).
4. “*On-going basis*” is when an employee is misses more than three 60 minutes occurrences within a rolling 30 day period

Resources:

1. [Paid Time Off \(PTO\) Administrative Regulation \(03-02.01\)](#)
2. [Vacation Administrative Regulation \(03-02.05\)](#)
3. [Emergency Facility Closure Administrative Regulation \(06-04.01\)](#)

CREATION (Original):

This administrative regulation is in effect as of the date of my signature. I authorize the Human Resource Director to modify the history and resources sections and header, footer, and numbering without my reauthorization. The administrative regulation remains in effect should these revisions occur.

Approved By:	Nancy Newton, City Manager	Dates:	July 9, 2020
Author:	Chaim Hertz, Director of Human Resources		
Responsible Party:	Human Resources		
Replaces:	Rule 4.8 and		

PERIODIC REVIEW:

Reviewer:	Chaim Hertz, Director of Human Resources	Date:	July 6, 2022
Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	

REVISIONS:

Version #2:	Responsible Party:			
	Revised By:			
	Approved By:		Date:	
	Reason/Summary of Changes:			